

REMARKS

Claims 1, 3, 5-6, 21-23, and 25-26 were examined and reported in the Office Action. Claims 1-3, 5-6, 21-23, and 25-26 are rejected. Claims 1, 3-21, and 23-40 remain.

Applicant requests reconsideration of the application in view of the following remarks.

35 U.S.C. § 102(b)

It is asserted in the Office Action that claims 1, 3, 5-6, 21, 23 and 25-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,403,760 issued to Caskey ("Caskey"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's claim 1 contains the limitations of "[a] mounting hat for a brake rotor comprising: a lower section coupled to an upper section, a plurality of aerodynamically shaped standoff vanes each having a leading edge, a trailing edge, a top, and a bottom coupled to the upper section, the aerodynamically shaped standoff vanes space apart the upper section from a brake rotor, wherein the leading edge and the trailing edge are curved and have different shapes; and a plurality of vents formed between adjacent aerodynamically shaped standoff vanes, wherein the vents are circumferentially distributed on the upper section, and air located within said mounting hat and air deflected from said brake rotor are induced to substantially flow

through the plurality of vents in a direction outward from a radial interior of said mounting hat to a radial exterior of said mounting hat.”

Applicant’s claim 21 contains the limitations of “[a] brake rotor comprising: a rotor, a hub having a plurality of aerodynamically shaped standoff vanes each having a leading edge, a trailing edge, a top, a bottom and a plurality of vents formed between adjacent aerodynamically shaped standoff vanes coupled to the rotor, the leading edge and the trailing edge each having different shapes, wherein the vents are circumferentially distributed between the hub and the rotor, air flow is induced to flow through the plurality of vents, and the aerodynamically shaped standoff vanes space apart the hub from the rotor.”

It is asserted in the Office Action that leading edge and the trailing edge of the recess in Caskey are curved. In the Office Action, however, it is first asserted that tabs 60 disclosed in Caskey are equivalent to standoff vanes. It is next asserted in the Office Action that recess 65 has a trailing edge and leading edge that are curved and have different shapes. Applicant’s claims, however, assert the aerodynamic standoff vanes have a leading edge and a trailing edge where each are curved and have different shapes. Applicant notes that a recess and a tab are two different items. If comparison is made between tabs 60 and aerodynamic standoff vanes, in order for anticipation, tabs 60 must have a leading edge and trailing edge that are each curved and have different shapes. As disclosed in Figure 3 of Caskey, tabs 60 has same shaped leading and trailing edges. Moreover, the semi-circular openings 62 formed from adjacent tabs 60 are more evidence that the leading edge and trailing edge of tabs 60 have the same exact shape. Applicant further notes that recess 65 is formed from flange 38.

Additionally, Fig. 3 on page 3 of the Office Action indicates a leading edge and a trailing edge, but the areas indicated are only part of semi-circular opening 62. Applicant respectfully notes that this is incorrect. Applicant includes a marked up version of Fig.3 from the Office Action indicating the correct leading and trailing edges. Further, Applicant submits a marked up version of Applicant’s Fig. 3 indicating the leading and trailing edges of aerodynamic standoff vanes 302. The differences are more readily seen by comparison of the two submitted figures.

Applicant notes that the submitted figures are only for reference and are submitted to aid in assisting understanding of the differences between Caskey and Applicant's claimed invention. The submitted figures are not to be regarded as a drawing submission.

Therefore, since Caskey does not disclose, teach or suggest all of Applicant's amended claims 1 and 21 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Caskey. Thus, Applicant's amended claims 1 and 21 are not anticipated by Caskey. Additionally, the claims that directly or indirectly depend on claims 1 and 21, namely claims 3 and 5-6, and 23 and 25-26, respectively, are also not anticipated by Caskey for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1, 3, 5-6, 21, 23 and 25-26 are respectfully requested.

CONCLUSION


In view of the foregoing, it is believed that all claims now pending, namely 1, 3-21, and 23-40, patentably defines the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on February 24, 2005.


Jean Svoboda